

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

SETH BOONE TEMPLES	:	
	:	
Plaintiff,	:	
	:	
vs.	:	7:04-CV-73 (HL)
	:	
	:	
SHIRLEY LEWIS, et al.,	:	
	:	
Defendants.	:	

ORDER

Before the Court is a Report and Recommendation (Doc. 71) from United States Magistrate Judge Richard L. Hodge that recommends granting the Motions for Summary Judgment filed by Defendants Lewis, Cofield, and McKennon. Petitioner has subsequently filed an objection. Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered Petitioner's objection and has made a de novo determination of the portion of the recommendation to which Petitioner objects. Plaintiff's Objection to the Magistrate Judge's Report and Recommendation simply repeats the arguments he made in his Response to Defendants' Motions for Summary Judgment. For the reasons contained in Judge Hodge's Report and Recommendation, Plaintiff's arguments are not sufficient to overcome Defendants' Motions for Summary Judgment.

Additionally, Plaintiff has submitted an affidavit with his Objection, but the affidavit is untimely because it was not attached to Plaintiff's Response to Defendants' Motions for Summary Judgment. Even if this Court considered Plaintiff's affidavit, the Court would still reach the same result because the affidavit does not contain any verified medical evidence to establish the detrimental effect of any potential delay in receiving medical treatment. See Hill v. DeKalb Regional Youth Detention Center, 40 F.3d 1176, 1188 (11th Cir. 1994) ("An inmate who complains that delay in medical treatment rose to a constitutional violation must place verifying medical evidence in the record to establish the detrimental effect of delay in medical treatment to succeed."), overruled on other grounds by Hope v. Pelzer, 536 U.S. 730, 122 S.Ct. 2508, 153 L.Ed.2d 666 (2002). Accordingly, the recommendation is accepted and Plaintiff's claims against all defendants are dismissed.

SO ORDERED, this 28th day of September, 2007.

/s/ Hugh Lawson_____

HUGH LAWSON, Judge

dhc